

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

NOV 03 2015

MATTHEW J. DYKMAN
CLERKIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Steve RAUSCH
Date of Birth: /1977
SSN: -5881Case No. ~~15-3882~~

15mr 695

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person known as Steve RAUSCH, date of birth 01/28/1977, SSN: 525-33-5881.

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

DNA evidence; to wit; Buccal cell swab, sufficient for DNA analysis, which would be material evidence in a criminal prosecution.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 USC 922(g)(1)	Convicted felon in possession of a firearm

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Tim Hotle, Task Force Office, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/03/2015

City and state: Albuquerque, New Mexico

Judge's signature

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

Printed name and title

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AFFIDAVIT FOR SEARCH WARRANT

1. Your Affiant's name is Tim Hotle. Your Affiant is a full time salaried law enforcement officer with the Albuquerque Police Department, and has been so for 9 years.
2. Approximately six months has been spent on the investigation of federal felony crimes. Part of your Affiant's duties since March of 2015, has included being a Task Force Officer for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
3. In this capacity your Affiant routinely investigates violations of federal criminal statutes, to include violation of federal firearms laws, and has specifically investigated violations related to subjects who are found to be in possession of illegal and altered firearms. Your Affiant requests that a Search Warrant be issued for the above named defendant based on the following information, which your Affiant believes to be true and accurate.
4. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18 and 26, United States Code.
5. The statements contained in this affidavit are based, in part, on information provided by Special Agents and Task Force Officers of the ATF and other law enforcement officers; on conversations held with police officers; and on my background and experience as a Task Force Officer of the ATF.
6. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

7. On August 24th, 2015, at approximately 1030 hours, Bernalillo County Sheriff Deputies (BCSO) responded to a shooting call at 1410 Arenal SW, Bernalillo County, Albuquerque New Mexico.
8. BCSO Deputies arrived on scene and made contact with a female victim T.T., who had a gunshot wound to her shoulder. T. T. was immediately transported to the hospital by rescue personnel.
9. BCSO Detectives arrived to the scene and observed two (2) empty .45 caliber bullet casings in the driveway of 1424 Arenal SW. BCSO Detectives made contact with A.C., who stated that she lives at 1424 Arenal SW.

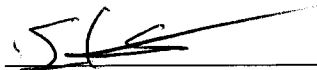
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10. BCSO Detective R. Eylicio read A.C. her rights per "Miranda" and A.C. agreed to talk to Detective. R Eylicio without a lawyer present. A.C. told detectives that she had been in an argument with T.T. because A.C. saw T.T. and another female later identified as N.G., next door at A.C.'s uncle's house. A.C. said N.G. is not allowed at A.C.'s uncle's house.
11. A.C. said as she was arguing with T.T. about them being at A.C.'s uncle's house when A.C. heard several gun shots. A.C. stated she did not know that anyone had been shot. A.C. stated T.T. and N.G. walked off. A.C. stated the shots came from behind A.C. and did state that Steve RAUSCH was standing behind her.
12. Detective R. Eylicio then received information that a transit bus had been stopped at the bus stop across the street from 1424 Arenal SW and had video surveillance of the shooting. Detective Eylicio viewed the video, Detective Eylicio was able to hear audio from the video which sounded like several gun shots. Detective Eylicio then observed A.C. walking up and picking up what was later discovered as shell casings.
13. Detectives questioned A.C. again and once A.C. was aware there was a video of the incident; A.C. divulged more information to detectives. A.C. told detectives her ex-boyfriend, Steve RAUSCH, shot T.T. A.C. stated that Steve RAUSCH fired rounds while she was by T.T. and N.G. and that Steve RAUSCH could have shot her as well. A.C. told Detective Eylicio that Steve RAUSCH told her to pick up the shell casing that were in the driveway. A.C. stated she picked up five (5) shell casings. Steve RAUSCH stated, "That's how you scare people."
14. A.C. told detectives she thought Steve RAUSCH hid the firearm in the garage and A.C. hid the casings in her house. A search warrant was obtained for 1424 Arenal SW and a Glock 21, .45 caliber pistol bearing serial number FDK361 was recovered in the garage. Five (5) additional .45 caliber bullet casings were recovered from inside the 1424 Arenal SW.
15. Your affiant queried Steve RAUSCH through New Mexico courts and found Steve RAUSCH to be a convicted felon reference cause number D-202-CR-199503433 for Armed Robbery and Conspiracy to Commit Armed Robbery. The conviction is out of the 2nd Judicial District Court, County of Bernalillo, and State of New Mexico.
16. The firearm recovered is a Glock 21, semi-automatic pistol .45 caliber bearing serial number FDK361. Glock firearms are not manufactured in the State of New Mexico and therefore effect interstate commerce.
17. Your affiant opines that there is probable cause to believe that Steve Rausch was in possession of a Glock pistol, model 21, .45 caliber semi-auto bearing serial number FDK361, in violation of Title 18 U.S.C. 922(g)(1), Felon in Possession of a Firearm.

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18. On 08/26/2015, Steve RAUSCH was charged in a criminal complaint with a violation of Title 18 U.S.C. 9229(g)(1), Felon in Possession of a Firearm. This charged is pending in United States District Court for the District of New Mexico.
19. Based on your affiant's training and experience as a law enforcement officer, your affiant is confident the firearm recovered at 1424 Arenal SW, in Albuquerque, New Mexico was possessed and handled by Steve RAUSCH.
20. Furthermore, your affiant knows that a subject's DNA may be transferred to items handled by that subject; in this case the item is a firearm. Based upon these facts, your affiant respectfully requests that a search warrant be issued for Steve RAUSCH, to collect a sample of buccal cells for forensic analysis and for use as evidence in court as your affiant opines there is probable cause to suggest Steve RAUSCH previously and unlawfully handled the above firearm.

Respectfully submitted,



Tim Hotle
Task Force Officer
ATF

Subscribed and sworn to before me
on: November 3rd, 2015



UNITED STATES MAGISTRATE JUDGE